

Massachusetts Water Resources Commission

Meeting Minutes for September 11, 1997

Commission Members in Attendance:

Mark Smith	Designee, Secretary of Environmental Affairs
Lee Corte-Real	Designee, Department of Food and Agriculture
Mark Tisa	Designee, Department of Fisheries, Wildlife and Environmental Law Enforcement
Richard Thibedeau	Designee, Department of Environmental Management
Mariyln Contreas	Designee, Department of Housing and Community Development
Joseph McGinn	Designee, Metropolitan District Commission
Arleen O'Donnell	Designee, Department of Environmental Protection
Bob Zimmerman	Public Member
Jeffrey Kapell	Public Member

Others in Attendance:

Mike Gildesgame	DEM
Vicki Gartland	DEM, Office of Water Resources
Ellen Gugel	EOEA
Gretchen Roorbach	MWRA
Michelle Drury	DEM, Office of Water Resources
Lou Wagner	Massachusetts Audubon Society
Bill Guenther	Mass Insight/Massachusetts Clean Water Council
Karen Pelto	DFWELE
John Kennelly	Army Corps of Engineers
Russell Clifton	DEP/BRP
Ian Cooke	Neponset River Watershed Association
Richard Raiche	SEA Consultants, Inc.
Anthony J. Zuena	SEA Consultants, Inc.
Liz Beardsley	CDM

Agenda Item #2: Adoption of the Minutes of August 14, 1997 meeting

Adoption of the minutes of the July 10, 1997 was also necessary as a quorum was not present at the August meeting. There was no discussion, and both the July and August meeting minutes passed unanimously, a quorum being present.

Agenda Item #5: Update: Potentially Productive Aquifers petition process

Russ Clifton of DEP/BRP: This is a proposal for a process whereby an entity (public or private) could have a 100 acres or greater sized area of groundwater petitioned out of meeting groundwater 1 standards.

To be eligible for the petition process, a parcel must pass the following screens:

- it must be 100 or more contiguous acres entirely within a medium- or high-yield aquifer
- it cannot be in a Current Drinking Water Source Area (CDWSA)
- it cannot already meet the Non-potential Drinking Water Source Area (NPDWSA) definition
- future water demands and contracts must be met or there must be an alternative source
- it must be contaminated and infeasible to clean up

Parcels cannot be petitioned out of groundwater 2 or groundwater 3 standards. All sites must still be cleaned up to Groundwater 3 standards at a minimum.

Discussion:

- Municipal boundaries are not taken into account by this process (i.e., parcels can cross towns).
- Question: will the process take cost-benefit of cleanup into account?
- Arlene O'Donnell asks if there will be a screen to exclude areas that could never make a public well approval anyway.
- What is the number of sites that could qualify? Clifton answered that he expects an exceedingly small number of petitions due to the significant number of qualifiers that must be met
- Is there a potential risk of double or even triple counting the "spare" water supply? If there are so few applications, this is probably not a concern, but at any rate, the WRC is the regulatory body that should be identifying this case.

The policy is still under development. WRC members received a handout with the draft regulations. Clifton requests comments on the document. Comments should be sent to Brian Moran at DEP. WRC members need to answer: is two months enough time to allow for a WRC review?

Agenda Item #3: Presentation: The Massachusetts Clean Water Council Conference on the future of water resources in Massachusetts

Bill Guenther of Massachusetts Clean Water Council

Background: Massachusetts Clean Water Council (MCWC) was first organized by Mass Insight in 1992 and is a consortium of industry, municipal, and government organizations involved in water issues. MCWC is organizing the first of what is to be an annual conference on the state of waters in Massachusetts. It is scheduled for Friday, November 14 and the intended audience is all water quality stakeholders in the state.

Goals of the conference:

- 1) Assess the past 25 years: what progress; current state of waters in Massachusetts
- 2) Identify data gaps and determine what is needed
- 3) Develop options for next priorities and next steps and reach consensus on them

Format of the conference:

Part 1: Keynote address by Trudy Coxé followed by presentations. A summary report of the state of Massachusetts waters (non-technical) will be presented.

Part 2: Focus on three Massachusetts watersheds with three breakout groups. Each watershed will have a short two page executive summary intended to focus the discussion on key issues in the watershed.

Discussion:

- Mark Smith explained that WRC is coordinating with MCWC on the conference report and encouraged WRC members to attend.
- Arlene O'Donnell asked MCWC to think beyond regulatory recommendations to other venues as well.
- Rich Thibedeau urged MCWC to focus on intermediate goals such as the next five years, rather than long term.

Agenda Item #6b: Report: Bluestone and Taunton diversion EIRs

Mark Smith updated WRC members on this topic. MEPA has received an SEIR on the Taunton diversion and a DEIR on the Bluestone project. The comment period ends 9/24. These projects are alternatives to each other for water supply for Brockton. There are three options by which Brockton could obtain additional water: 1) a Taunton River diversion (not an interbasin transfer); 2) the Bluestone desalinization project; 3) MWRA. The Bluestone project and admission to the MWRA both involve Interbasin Transfer review.

Bluestone project proponents have raised an Interbasin transfer question in the DEIR concerning the application of Criterion #2 (viable inbasin sources). Mark Smith would like to respond through the MEPA process. Mark asked the WRC to revisit the recommendations of March 1996 regarding the application of Criterion #2 to see if it still applies. He cautioned that the Commission is not making a decision by doing so, but is giving a sense of the Commission to inform his letter.

Discussion:

- Are there coastal issues involved in transferring water out of the ocean? No representative from CZM was present. Smith will seek input from CZM, and DMF. However, staff did have input from CZM and DMF concerning issues to consider with this project in lieu of instream flow determination, when evaluating the project under the Interbasin Transfer process.
- It was stated that there could be some environmental benefit to transferring water from the Massachusetts Coastal basin to the headwaters of the Taunton River basin, which should be considered when evaluating this project under the Interbasin Transfer Act.
- The WRC reaffirmed that any decision about the Bluestone project will not change state policy concerning new source approval which requires municipalities to meet demand first through water conservation measures; second, in-basin sources; third, out-of-basin transfers.
- The determination of whether the proponent has met criterion #2 will be based on the environmental and economic viability of the project as compared to the withdrawal alternative. The process used by the WRC to determine whether to grant an interbasin

transfer includes opportunities for public comment and requires holding public hearings. This process ensures that the public policy implication of any decision are fully considered by the WRC and should fully address the proponents' concerns regarding this issue.

Agenda Item #4: Vote: Prioritization of proposals for planning assistance from the Army Corps of Engineers under Section 22 and FPMS

Three proposals were presented at the August meeting, and one new one was received since then.

City of Woburn Flood Control

Discussion:

- Arlene O'Donnell asked if fixing the problem in Woburn will cause flooding downstream to Winchester.

This was the only proposal received that is eligible for FPMS funding. Lee Corte-Real made a motion, seconded by Joe McGinn, that the WRC recommend the City of Woburn Flood Control as first choice for ACOE FPMS funding. Members present voted unanimously in favor.

The remaining three projects are eligible for Section 22 funding.

South Weymouth Naval Air Station Redevelopment

Discussion:

- Could there be 21E Otis Air Force Base type problems on the base?
- Arlene O'Donnell had a serious concern over the project. Weymouth currently has a water supply problem. Although Weymouth is not an MWRA customer, the town is on extended emergency hookup with MWRA. Could the aquifers under the base provide water to the town? O'Donnell suggested that the WRC not approve or recommend the proposal given its current scope. She asked that WRC write to the project proponents to explain that for WRC's approval, the project needs to be re-scoped with linkage to the resources (aquifers) and their potential uses, and furthermore, that the project is not now third on the list of recommended projects, but that it could be should this work be done. Members present agreed.

Wetlands Restoration Program in the Connecticut River

Discussion:

- Bob Zimmerman expressed concern about the Wetlands Restoration and Banking Program. Mark Smith explained that the distinction here is that the proposal is for a restoration project, not a banking project nor a new wetlands site.

Ipswich River Watershed Association

This is a new proposal not previously reviewed. The project would conduct mapping and elevation of wetlands in the watershed to add to an existing flow study.

General Discussion about Section 22 Funding:

- Is there sufficient resources to fund all three projects? Although there may be, ACOE still wants prioritization.
- Are there matching funds? The Ipswich River project and the Connecticut River projects do not have matching funds; Weymouth is unclear.
- Rich Thibedeau suggests the WRC ranks the projects by technical merits, conditional on the matching funds situation.
- ACOE funds should be in place by October 1.
- How much money is available? There is not a discrete amount, but ACOE funds half.

Joe McGinn moved and Lee Corte-Real seconded that the WRC vote to recommend the Ipswich River proposal as first choice and the Connecticut River wetlands restoration as second choice for ACOE Section 22 funding. Members present voted unanimously in favor.

Agenda Item #6a: Report: Canton well #9 Interbasin Transfer Act review

Michelle Drury of DEM/OWR

The Town of Canton's proposed well #9 involves an interbasin transfer. Well #9 is a public well within the Neponset watershed, but since Canton is sewerd with MWRA, discharge occurs to Boston Harbor. It is estimated that 60% of the pumping impacts the mainstem and 40% affects the East Branch.

Ian Cooke from the Neponset River Watershed Association believes the cumulative effect now is 6 mpg/day net loss of water throughout the basin, and that an anadromous fishery exists on the Neponset up to Newton Lower Falls.

On July 16, the town sent a request to F&W, DMF, Riverways, ACEC, and DEM (Nina Danforth) to approve the application for this interbasin transfer for completeness (administrative approval only). This allows the public hearing process to move forward. Michelle Drury explained that today's agenda item is a review for the WRC and that at a future meeting the WRC will be asked to approve the application for completeness.

Canton is seeking this water source because the town has been directed by the MWRA to develop local sources. The town is a partial MWRA water customer and wants to reduce its dependence on MWRA.

Motion to Adjourn

Bob Zimmerman moved to adjourn the meeting, Marilyn Contreas seconded, and those present voted so unanimously.

Meeting minutes approved 10/9/97